

MEETING SUMMARY

of the

WASTE AND FACILITY SITING SUBCOMMITTEE

of the

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

**December 11, 2002
Baltimore, Maryland**

**Kent Benjamin
Designated Federal Official**

**Veronica Eady
Chair**

CHAPTER EIGHT
MEETING OF THE
WASTE AND FACILITY SITING SUBCOMMITTEE

1.0 INTRODUCTION

The Waste and Facility Siting Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Wednesday, December 11, 2002, during a four-day meeting of the NEJAC in Baltimore, Maryland. Ms. Veronica Eady, Tufts University Department of Urban and Environmental Policy, continues to serve as chair of the subcommittee. Mr. Kent Benjamin, Environmental Justice and State Liaison, Innovation, Partnerships, and Communication Office (IPCO), U.S. Environmental Protection Agency (EPA) Office of Solid Waste and Emergency Response (OSWER), continues to serve as the Designated Federal Official (DFO) for the subcommittee. Exhibit 7-1 identifies the subcommittee members who attended the one-day meeting and members who were unable to attend.

This chapter, which summarizes the deliberations of the Waste and Facility Siting Subcommittee, is organized in five sections, including this *Introduction*. Section 2.0, *Remarks*, summarizes the opening remarks of the chair, the DFO, and the Assistant Administrator of EPA OSWER. Section 3.0, *Activities of the Subcommittee*, summarizes the discussions about activities of the subcommittee, including its discussion of the subcommittee's strategic plan and reports. Section 4.0, *Presentations and Reports*, presents an overview of each presentation and report, as well as a summary of relevant questions and comments from the subcommittee members. Section 5.0, *Significant Action Items*, summarizes the significant action items adopted by the subcommittee.

2.0 REMARKS

Ms. Eady opened the subcommittee meeting by welcoming the members present and introducing Mr. Benjamin; Ms. Marianne Horinko, Assistant Administrator, EPA OSWER; and Mr. Tom Dunne, Associate Assistant Administrator, EPA OSWER. Ms. Eady announced that Ms. Mary Nelson, Bethel New Life, Inc., had been selected to serve as the vice-chair of the subcommittee. Finally Ms. Eady then thanked Ms. Tasha King, EPA OSWER, who assists Mr. Benjamin, and Ms. Holly Welles, Pacific Gas and Electric Company, who assists Mr. Robert L. Harris, Vice President of Environmental Affairs,

Pacific Gas and Electric Company, and a member of the subcommittee, for their support of subcommittee activities.

Ms. Eady reviewed the agenda for the subcommittee meeting and reminded the subcommittee members present that the theme of the NEJAC meeting was pollution prevention. She encouraged the subcommittee members to review the NEJAC's draft pollution prevention report and provide comments to its content, with special attention to recommendation number 5 that addresses Brownfields and redevelopment programs.

Mr. Benjamin then addressed the subcommittee members present and the public audience. He stated that the subcommittee members were meeting to share ideas about subcommittee business and that they had invited speakers and presenters to discuss topics pertinent to such business. He stated that although the meeting was open to the public, it was not an open forum at which

Exhibit 8-1

WASTE AND FACILITY SITING SUBCOMMITTEE

**List of Members Who Attended the Meeting
December 11, 2002**

Ms. Veronica Eady, **Chair**
Mr. Kent Benjamin, **DFO**

Ms. Michelle B. Alvarez
Mr. Robert Collin
Ms. Judith M. Espinosa
Ms. Denise D. Feiber
Ms. Leslie G. Fields
Mr. Randall Gee
Ms. Donna Gross McDaniel
Mr. Robert L. Harris
Mr. Mosi Kitwana
Mr. Michael J. Lythcott
Dr. Mildred McClain
Mr. Harold Mitchell

**List of Members
Who Were Unable To Attend**

Ms. Mary Nelson, **Vice-Chair (Acting)**
Mr. Melvin Holden
Mr. Vincent Wardlaw

members of the audience could participate in deliberations. He noted that only subcommittee members and invited speakers should speak during the subcommittee meeting unless a member of the public had requested and had been invited to speak on a topic that was relevant to subcommittee business.

At the conclusion of Ms. Eady's and Mr. Benjamin's remarks, Ms. Horinko greeted the subcommittee members and thanked them for their efforts. She noted that she was familiar with the past and present work of the subcommittee. She then briefly outlined two key points regarding the interaction of the subcommittee and OSWER. First, Ms. Horinko reiterated OSWER's continued commitment to environmental justice concerns. She stated that since 1991, OSWER had demonstrated this commitment by incorporating environmental justice into its programs. Notable achievements, she said, include OSWER's environmental justice directive of 1994 and the annual report on environmental justice begun in 1995. She indicated that she would like to continue OSWER's positive relationship with the NEJAC, a relationship that had been fostered by Mr. Timothy Fields, former Assistant Administrator for OSWER, and others, especially in the area of Brownfields redevelopment. Ms. Horinko stated that the latest environmental justice and revitalization projects, which had been fostered through interagency partnerships such as the Federal Brownfields Partnership, demonstrate a direct link between environmental justice and Brownfields. She stated that the work of the NEJAC and the subcommittee had directly led to implementation of new initiatives, such as the American Society for Testing and Materials (ASTM) standard for Brownfields sites. Ms. Horinko commended the subcommittee members present for their efforts.

The second key point that Ms. Horinko discussed was OSWER's intention to incorporate ideas and lessons learned from the NEJAC and the subcommittee into future programs and efforts. She noted that there are many ways to do this, including addressing stakeholder concerns in local neighborhoods, conducting site visits as part of publishing case studies, and providing assistance and guidance under the Superfund program. Ms. Horinko committed OSWER to partner with the NEJAC in what she termed the "important and groundbreaking work" of cleaning up and returning sites back to the community to create community pride-of-ownership. She stated that the NEJAC's input about the OSWER priorities is an example of a key activity for integrating environmental justice

concerns into OSWER's programs. She concluded by noting that Mr. Benjamin would continue to be of service to the NEJAC and the subcommittee and that he would continue to work with her on these key issues.

At the conclusion of her discussion, Ms. Horinko welcomed any questions from the subcommittee members. Dr. Mildred McClain, Executive Director of Harambee House, Inc. and member of the subcommittee, noted that several communities had reviewed the OSWER's list of priorities and had noted that there is no explicit mention of environmental justice. Dr. McClain asked Ms. Horinko to share her thoughts regarding development of those priorities. Ms. Horinko began by explaining that the absence of explicit mention of environmental justice concerns in the list of priorities does not indicate a lack of commitment to environmental justice by OSWER. She cited OSWER's continued commitment to and involvement in Brownfields redevelopment and revitalization as examples of actions taken by EPA that had resulted from recommendations by the NEJAC. Ms. Horinko specifically highlighted OSWER's one-stop Brownfields web site initiative; its focus on pollution prevention, waste minimization, and recycling issues; homeland security and job training programs; and OSWER's continued commitment to workforce diversity and development as additional examples of OSWER's commitment to environmental justice. She concluded by noting that although the words "environmental justice" are not explicitly referenced in the priorities, OSWER remains committed to the NEJAC and its recommendations. Dr. McClain thanked Ms. Horinko for her candid response and added that OSWER may want to explore a partnership with the Academic Institutions, Communities, Agencies Network (ACA-NET), which is a coalition of universities that work together and with communities that may be threatened in some fashion by contaminated sites. She also asked Ms. Horinko to consider adding the words "environmental justice" to the OSWER priorities, and Ms. Horinko agreed to examine the issue and consider the proposal.

Mr. Michael J. Lythcott, President of The Lythcott Company and member of the subcommittee, then commented that there are many definitions of "community," such as "impacted community" and "environmental justice community." He asked Ms. Horinko whether OSWER was aware of the many terms commonly used today to describe communities and whether OSWER had any plans to standardize how it defines communities. Ms.

Horinko replied that OSWER had not considered a formal policy to date, although it would entertain the creation of a policy to standardize the definition of an environmental justice community. She also stated that OSWER could suggest a standard definition to its partners in other federal agencies and that she and Mr. Benjamin would examine this issue in the future.

Mr. Robert L. Harris, Pacific Gas & Electric Company and member of the subcommittee, then asked about OSWER's hiring practices; specifically, he inquired about policies that encourage hiring locally as part of workforce development efforts. Ms. Horinko responded that she is very interested in this issue and that she, Mr. Benjamin, and Mr. Barry Green, Deputy Assistant Administrator, EPA OSWER, would examine the idea of local hiring practices as a possible policy for the OSWER workforce development program.

Mr. Harold Mitchell, Director of Regenesys, Inc. and member of the subcommittee, then asked when OSWER would sign the [insert name of report] dioxin report that had been approved by [insert person/organization]. Ms. Horinko responded that she did not know the exact date, but she felt that the report would be signed soon. She said she understood that the report had been approved for some time and that OSWER is preparing to implement the programs associated with the report. She agreed to take the question of timing to Mr. Steven Johnson, Associate Administrator, EPA Pesticides Program.

Ms. Horinko concluded her remarks by stating that she, Mr. Benjamin, and her staff would address the action items identified during the subcommittee's discussion.

3.0 ACTIVITIES OF THE SUBCOMMITTEE

This section discusses the activities of the subcommittee, which included review of the Waste and Facility Siting Subcommittee Strategic Plan, a status report on the Federal Facilities Working Group, development of recommendations for the six OSWER priorities in the NEJAC context, and a status report on the Unintended Impacts Working Group.

3.1 Review of the Waste and Facility Siting Subcommittee Strategic Plan

Ms. Eady reminded the subcommittee members present that the strategic plan was created in

response to a request from the NEJAC Executive Council and that it contains the planned activities for the subcommittee for the next two years. She also noted that the copy of the plan that was included in the meeting materials had a typing error on page one. She explained that the document identified four goals but only described three of them in the strategic plan. She indicated that this error would be corrected in future printings of the strategic plan. Ms. Eady then reviewed each goal:

- Goal 1: "Strengthen the role of community residents in the cleanup and disposition of federal properties through the work of the NEJAC Federal Facilities Working Group." Ms. Eady noted that the working group had been delayed in recent months but is revitalizing its work with renewed energy. She also stated that additional information regarding the activities of the working group would be presented later in the subcommittee meeting (see section 8.X of this chapter for that discussion).
- Goal 2: "Foster community-based planning approaches for the reuse of property that will promote sustainability, properly weigh impacts of cleanup, and foresee and forestall unintended consequences such as gentrification and displacement." Ms. Eady stated that she feels good progress has been made toward achieving this goal through the energy and activities of the subcommittee members. She also stated that additional information regarding this goal would be presented later in the subcommittee meeting (see section 8.X of this chapter for that discussion).
- Goal 3: "Influence land use issues and initiatives within OSWER as they develop to make them as sensitive as possible at the outset to environmental justice issues and to ensure that environmental justice goals are incorporated into the implementation of the six OSWER priorities." Ms. Eady stated that she feels good progress has been made toward achieving this goal through the subcommittee's continued work with OSWER and that this topic would be discussed in further detail during the subcommittee meeting (see section 8.X of this chapter for that discussion).

Mr. Robert Collin, Associate Professor of Environmental Studies, University of Oregon and member of the subcommittee, expressed concern that the subcommittee would not meet in full or face-to-face for 16 months after this meeting. He stated

that the subcommittee might need a “fuller expression” before the next full subcommittee meeting to address the issues related to federal facilities. Mr. Benjamin responded by stating that the subcommittee and the working groups would be meeting via conference call later in the fiscal year and that resources would be available for continued communication. Mr. Benjamin concluded by stating that additional information about future meetings would be discussed later in the subcommittee meeting (see section 8.x of this chapter for that discussion).

3.2 Status Report of the Federal Facilities Working Group

Dr. McClain and Ms. Trina Martynowicz, Analyst, EPA Federal Facilities Reuse and Revitalization Office (FFRRO), updated the subcommittee about the activities of the Federal Facilities Working Group. Dr. McClain and Ms. Martynowicz were joined by Ms. Doris Bradshaw, Defense Depot, Memphis, Tennessee, who is assisting the working group. Dr. McClain commended Ms. Bradshaw for raising her own funding to attend the NEJAC and subcommittee meetings.

Dr. McClain began the update by stating that work had slowed in the past year but that the working group is back on task. She noted that the communities that had requested the formation of the working group are in the same position in which they found themselves before the group was formed. She stated that U.S. Department of Defense (DoD) and the U.S. Department of Energy (DOE) facilities under possible examination by the working group are still operating and that the communities still need assistance addressing issues concerning these facilities. Therefore, she concluded, it is important that the work continue. Dr. McClain stated that the report being produced by the working group will be important for those and other federal facilities, as well as for EPA.

Dr. McClain explained that the working group initially had reviewed case studies for 30 facilities and then narrowed the number down to 15. She stated that the working group now must select 5 of the 15 case studies; the criteria and process for selecting the case studies would be discussed during a January 2003 conference call, she added. She noted that the selected case studies must include at least one with a DoD facility, one with a DOE facility, and one with a U.S. Department of Interior (DOI) facility. Dr. McClain also stated that the working group is completing the case study methodology, including

the approach and structure of the study, methods for data collection and analysis, and approaches for interviews. She indicated that the methodology is being examined in conjunction with the structure of the final report.

Dr. McClain stated that the working group currently is scheduling conference calls with the communities that had requested the formation of the working group. She indicated that the focus of the conference calls would be communication and strategies for involving the communities. She then asked that a representative of the subcommittee present the subcommittee's strategic plan to the communities during the work group's next conference call to foster better communication between the groups. Ms. Eady and Mr. Benjamin agreed to participate in the next conference call.

Dr. McClain continued by stating that the working group is preparing a budget for the coming year because it needs operating funds as well as funds for its consultant to develop the case studies. She stated that the working group also is developing a schedule of deliverables in conjunction with the budget, as well as a time line showing the history of the working group. Lastly, Dr. McClain stated that the working group would like to add two new members, one from academia and one from local communities.

Ms. Martynowicz then thanked the subcommittee members present for their support and noted that although she has been in her position for only two months, she is looking forward to working with them. She stated that a memorandum of understanding (MOU) regarding the working group had been distributed among EPA OSWER, DoD, DOE, and DOI. She noted that this represented a good step toward establishing working relationships with those agencies. She also stated that she is working to obtain technical support for the working group. Ms. Martynowicz concluded by stating that the working group is planning to visit the five selected communities, depending on the funding available, to examine firsthand the exact local problems encountered by the communities.

Dr. McClain noted that the working group also is looking for EPA-sponsored events upon which the group could “piggyback” to use its funding efficiently and effectively. She stated that this approach would allow the working group to use every venue possible to gather data that would contribute to better recommendations. She then asked the subcommittee members to notify the working group

about any new EPA events in the coming year.

Ms. Bradshaw asked the subcommittee to consider allowing two more community members to assist the working group. She noted that if EPA has limited funding for these community members, the communities are willing to send letters to Ms. Christine Todd Whitman, Administrator, EPA, requesting that she send a letter to DoD asking for funding for a local workgroup. She also noted that the communities feel that DoD, DOE, and DOI are not communicating with them and are not fulfilling promises. She stated that EPA should ask those agencies about their intentions toward the communities.

Dr. McClain then stated that the working group would revisit the MOU to ensure that all the agencies still agree with the commitments outlined therein. She indicated that the working group would invite their federal partners to participate in the next conference call. Dr. McClain then asked that Mr. Charles Lee, Associate Director of Policy and Interagency Liaison, Office of Environmental Justice, EPA, share his perspectives, as he has been addressing issues such as those encountered by the working group.

Mr. Lee stated that he was happy to see the working group make progress and was looking forward to reviewing its deliverables. He also stated that the leadership of OSWER seeks to understand the perspectives of other agencies and that the working group must work in concert with OSWER and not working at cross purposes. He also explained that the working group needs to focus on the charter of the NEJAC, which is to provide advice to EPA about environmental justice concerns, not to conduct public meetings and create case studies. He noted that those activities are elements of good recommendations but that the end product of any working group or subcommittee effort should be recommendations that the NEJAC, as an advisory committee, can provide to EPA. He suggested that the actions of subcommittees focus on those types of recommendations. Mr. Lee continued by commending the subcommittee and the working group; he stated that he thinks their efforts represent a good start. He suggested, however, that they focus their activities on the advice that they, and the NEJAC, want to provide to EPA. He suggested that this approach would help focus their efforts and minimize community frustration.

Mr. Lee also suggested that the working group create definitions, such as a definition for the term "stakeholder" and identification of the stakeholders

in specific communities, as it continues its work. He noted that this would help familiarize communities with the views and approaches of the government agencies and promote understanding by all the stakeholders. Also, he emphasized that the environmental justice community, the NEJAC, the subcommittee, and the working group all need to understand and define what constitutes success. Mr. Lee explained that the success of their efforts would not be measured by easier identification of contaminated sites, but rather by clarification of the activities conducted to not only identify but clean up contaminated sites. He cited as an example the Washington Navy Yard in Washington, D.C., where the Commanding Officer is a proponent of environmental justice concerns and openly discusses revitalization of the local communities. Mr. Lee concluded by challenging the subcommittee members to not only focus on problems but to provide recommendations and solutions.

Dr. McClain responded by stating that Mr. Lee's comments represent the thoughts and activities of the working group. She noted that the case studies and final report to be produced by the working group are tools to provide advice through the NEJAC and that they do not represent end products. She also stated that the working group is careful not to make excessive promises to the communities, as the communities are sensitive to government organizations that do not fulfill commitments. Lastly, Dr. McClain asked Mr. Lee to participate in the working group's next conference call to share his thoughts and ideas. Mr. Lee agreed to do so.

Ms. Eady noted that many comments expressed during the December 10, 2002 public comment period of the NEJAC meeting pertained to federal facilities. (see Chapter 2.0 for a detailed summary of those comments). She then asked whether it is appropriate for the subcommittee to refer the commenters to the working group with regard to issues related to its study and whether the working group had a mechanism through which to address such comments. She also asked how the NEJAC's pollution prevention report would address issues related to federal facilities. Dr. McClain replied that after the last meeting of the working group in Charlotte, North Carolina, it was decided that the subcommittee members could provide information to the working group. She concluded by stating that the working group members do not want to over-commit itself but will welcome additional comments from the public and additional candidates for case studies. She stated that the working group wants to select the five case studies by the second week of

January 2003 to move the project to the next phase. She asked the subcommittee members to quickly recommend any potential case studies to the working group to help it meet that deadline. Ms. Martynowicz added that the subcommittee should encourage any members of the public who have questions to contact the members of the working group.

Ms. Bradshaw noted that the communities are not receiving any information from the working group. To alleviate this situation, she said, the working group intends to obtain their feedback by sending its draft report to the communities. Dr. McClain added that she and Ms. Martynowicz had discussed this issue and would continue to foster better communication between the working group and the communities. Mr. Lee stated that using the draft pollution prevention report and involving all the communities are important but that if these activities slow the process, the working group might need to forego them. He then shared a quotation that illustrated his point: "The enemy of producing something worthwhile is trying to be perfect."

Mr. Harris thanked the working group for the update and then asked whether the group included a representative of industry or business. He suggested that the working group consider including a representative of one of those sectors if they already are not represented. Dr. McClain responded that the working group currently does not include a representative of industry or business but indicated that the group would examine this issue with Mr. Benjamin in light of current resource constraints.

Mr. Lythcott noted that the Washington, D.C., site proposed for one of the case studies also is on the short list of case studies to be examined by the Unintended Impacts Working Group. He cited this as an example of an opportunity for synergy between the two working groups and suggested that the groups also could collaborate on case study methodologies. Ms. Denise D. Feiber, Public Information Director, Plant Industry Division, Florida Department of Agriculture and Consumer Services, and member of the subcommittee, stated that she had raised the idea of cross-fertilization between the working groups in a previous meeting and felt it would be helpful. She also stated that she would like to see more concrete goals and objectives for the working groups, as some of the current goals and objectives are vaguely stated. She noted that the goals should be measurable and concrete. Dr. McClain responded that the Federal Facilities Working Group currently is examining its goals and

objectives to ensure that they are specific, measurable, and time-phased. She then asked that Mr. Benjamin discuss the availability of resources.

Mr. Benjamin stated that the subcommittee currently is working to identify available resources. He then gave one example of some of the funding choices that the subcommittee faces. Noting that not all the members of the Federal Facilities Working Group were funded to attend the NEJAC meeting, he stated that because the working group's mission is very focused, its limited resources must be used for the specific tasks of the working group and not for attending the NEJAC meeting. Mr. Benjamin stated that he is supportive of all the subcommittee's initiatives but that funding must be focused. Mr. Benjamin also noted that the federal government continues to operate under a continuing resolution from Congress and may receive funds in January 2003; until then, he continued, EPA is operating under fiscal year (FY) 2002 funding levels.

3.3 Status Report of the Unintended Impacts Working Group

Mr. Lythcott provided background information about the Unintended Impacts Working Group. He stated that the project had evolved over time and that the need for the project had developed from the subcommittee's interactions with communities. He noted that the U.S. Congress, local governments, and developers all are supportive of the project and continue to show support as it continues to evolve. Mr. Lythcott then indicated that Mr. Mosi Kitwana, Director of Research and Development, International City/County Management Association (ICMA) and member of the subcommittee, and Ms. Suganthi Simon, EPA OSWER, are coordinating the working group.

Mr. Lythcott stated that the goal of the working group is to determine whether there are unintended impacts on communities as a result of revitalization and redevelopment projects and, if so, what can EPA do to identify, mitigate, and address those impacts with local communities. He explained that the working group plans to use case studies of successful revitalization and redevelopment projects nationwide on which to base its recommendations. He also noted that the working group assumes for the candidate projects that some activities have taken place and that the local governments feel the projects are successful.

Mr. Lythcott also stated that the working group is aware of the scarce resources available for case

studies and that it will rely on literature searches to identify additional candidates, explaining that if a project is successful, it likely has been the subject of a publication. He noted, however, that such publications usually highlight only the positive impacts of the projects and not necessarily unintended impacts, which are the focus of the working group. Mr. Lythcott stated that the working group is not concerned about the type of property reuse, such as residential or light industrial reuse, associated with the potential projects. He continued by stating that the working group reviewed more than 100 projects from which it is recommending seven. He stated that once the subcommittee approves the projects, the working group would conduct more comprehensive research of the project sites. He stated that Mr. Vincent Wardlaw, Senior Project Manager, DecisionQuest and member of the subcommittee, had developed a template for reporting about performing place-based studies and that the working group is considering using that template.

Mr. Lythcott referred to a table provided to the subcommittee members present that outlined the possible projects. Mr. Kitwana stated that the table shows the preliminary profile of each site proposed for the case study and that the working group had already produced more detailed analyses of several of the sites. He stated that the working group seeks subcommittee approval to move forward with research on the proposed sites. Mr. Lythcott stated that the subcommittee could either agree with the working group's research to date or discuss the proposed sites. Urging a decision from the subcommittee he stated that gentrification already is occurring at several of the proposed case study sites and the receivers of monies associated with Brownfields redevelopment have multiple agendas; an overarching concern about this situation led to the working group's project, he said. He then briefly presented several key points for each proposed case study site:

- Portland, Oregon: The project involves a redevelopment zone near a light rail line in an African-American community. Displacement and gentrification are the key issues.
- East Palo Alto, California: Several issues facing the site include the history of minority segregation in the area, the need to provide geographic balance with a case study on the west coast, and the fact that significant Brownfields money is available in the region.
- Washington, DC: Issues of concern at this site include gentrification, the number of publications concerning the city, and the availability of funds.
- Dallas, Texas: This "interesting" site is a housing project located next to a lead smelter that was active during the 1960s and was selected because it has substantial local history, plenty data, and involvement of several federal agencies.
- Camden, New Jersey: This case study involves a planned waterfront redevelopment and was suggested because of interesting "local politics," including organized African-American groups and the mayor's recent criminal conviction for ties to organized crime.
- Lowell, Massachusetts: This case study involves an EPA Brownfields Showcase Community with good documentation, plenty data, and a diverse local population.
- Stanford, Connecticut: Several issues include diversity of geography, planned waterfront development, gentrification, and the socioeconomics of the region and state.

Ms. Feiber asked how the case study projects correlated with the OSWER program areas such as brownfields revitalization and Superfund. Mr. Lythcott stated that the working group had agreed that the emphasis should not be on specific EPA programs because the funding for those programs comes from the same agency. Although the issue still is being discussed by the working group, the members have agreed that it is not an issue of high priority, he said.

Ms. Alvarez asked Mr. Lythcott to review the project selection criteria. She noted that the geographic locations of the proposed projects are concentrated in the eastern and western portions of the country, while none are located in the central United States. She asked whether geographic diversity was necessary. Mr. Lythcott stated that although the working group is concerned about geographic diversity, it does not consider it to be essential the credibility of the report. He concluded by stating that the working group is willing to discuss the issue if the subcommittee members feel that such diversity different would help make the report more credible. Mr. Kitwana added that the members of the working group, who all had identified several sites, had designed the study as a "snapshot" of the issue

rather than as a full research project because of limited resources. He stated that the working group is hopeful that their effort would illustrate the need to research the issue further with more funding. Mr. Kitwana then noted that six EPA regions are represented in the proposed case studies and that they would appreciate input about the research conducted thus far.

Mr. Lythcott asked how many members of the subcommittee were willing to approve the proposed list of case studies without further discussion. Ms. Gross McDaniel stated that she was in favor of the proposed list and indicated that she had substantial information about the Lowell, Massachusetts, site and the diverse minorities living nearby. Ms. Eady indicated that she would like to continue the discussion and opened the floor to further questions.

Ms. Feiber asked whether a tribal site would be included in the study; she noted that the issue might be raised by the public at a later date. Mr. Gee, who stated that gentrification is not prevalent on tribal lands in Oklahoma, commented that the public wants to build on "greenfields" rather than on Brownfields sites. Mr. Collin reminded the subcommittee members that there are Native Americans living in cities and not on reservations who could be included in the urban focus of the study. Mr. Gee agreed, adding that although Indian reservations are defined and designated by federal or state governments, Native American heritage transcends those boundaries. He added that the subcommittee should consider evaluating the impact of revitalization on urban Native Americans.

Ms. Leslie G. Fields, Director, International Programs, Friends of the Earth and member of the subcommittee, stated that the subcommittee had not envisioned gentrification in a rural setting and asked whether there are other unintended impacts in a rural setting that the working group should consider. Ms. Alvarez stated that such impacts have never been addressed in Dallas, Texas, and that the intention of the study is to identify such impacts. Mr. Gee reminded the subcommittee members that communities generally favor revitalization despite possible unintended impacts, because, he said, communities believe such projects generally help local economies. Mr. Collin countered that although he appreciates the point made by Mr. Gee, he stated that some communities may not favor revitalization projects that satisfy a goal that is national in scope if they feel it will hurt the local economy. As example, he cited concerns about the old-growth forestry in Oregon as an example of a land use decision that

may hurt local communities and economies. He explained that although the people of the nation may benefit by the setting aside of forested lands, local logging communities bear the economic burdens when timber is not harvested.

Ms. Espinosa also suggested the working group examine small, urban communities along the border of the United States and Mexico. She noted that such communities are located in semi-rural settings with diverse populations and are probably good sites for the study. Mr. Lythcott agreed that the border communities would offer good case studies for examining the patterns of unintended impacts, as there are many revitalization projects in the region. Mr. Benjamin noted that the subcommittee and the working group must keep budget and schedule issues in mind while discussing possible case study sites. He stated that the working group must focus the study so that it does not grow into a large, multiyear project. He encouraged setting time and resource constraints and managing the study within these constraints. He also noted that rural and border areas might have substantial data gaps and that the subcommittee and working group must be mindful of the extra time and effort that would be necessary to collect information that is not readily available.

Last, Mr. Lythcott urged the subcommittee members to remember the focus of the NEJAC, which is to provide recommendations to EPA. He stated that the intent of the study should not be to solve the identified problems but to present an overview of those problems to EPA with recommendations for possible solutions. Mr. Lythcott thanked Mr. Benjamin for reminding the subcommittee of these points and stated that one of the recommendations of the study and of the NEJAC could be to conduct additional research into the topic. He stated that this is a fairly easy recommendation to present but that the conducting a cost-benefit analysis related to further studies would be difficult. He noted that such studies must balance the needs of the stakeholders with the funding and benefits of the projects.

Ms. Eady asked whether the report would discuss unintended impacts that are not necessarily negative, such as situations in which gentrification has been beneficial. She cited the example of businesses moving into revitalized areas and the benefits to the local community of increased services. Mr. Lythcott acknowledged that some people may feel that gentrification has positive impacts. He indicated that if the working group finds examples of such impacts, they would be included in

the final report. He also stated that the interests of owners of buildings must be compared to the interests of their tenants. Mr. Kitwana stated that gentrification is a difficult issue because people approach the subject from different value-laden perspectives. He indicated that the impacts of gentrification might be intended or unintended, depending on a person's viewpoint and values. He stated that all perspectives must be taken into consideration in the study. He also stated that different types of impacts are associated with land and real estate compared to health care and other services. He suggested that another way to think about this issue is to call the impacts "trade-offs." He stated that the value of the case study report lies in highlighting the issue as one that communities, stakeholders, and all levels of government, must discuss as part of future development and revitalization efforts. He concluded by stating that the subcommittee should enrich the discussion and increase community participation in the discussion.

Mr. Benjamin added that the report may be able to capture attitudes toward change and how change is perceived by local communities. Mr. Lythcott stated that although the focus is to provide recommendations, the value-laden issue of gentrification could be addressed in the general section of the report. He stated, however, that the focus of that section should be on community information and achieving community power over revitalization projects by preparing for them. He acknowledged that the report must be objective and thus such value-laden subjects as gentrification might not be fully explored.

Mr. Collin stated that most revitalization funds go to urban planners who usually do not think that gentrification has a negative impact. He offered that it all depends on one's perspective and that some groups feel that gentrification is all about winning new funding awards. He agreed that the subcommittee must remain objective and initiate constructive dialogue about the issues.

Ms. Espinosa stated that the issue of gentrification involves local government zoning and politics or the lack thereof. She explained that local governments control or influence local zoning which affects the success of gentrification. She stated that the discussion is timely and that the issues should be kept in mind while the study is undertaken. She also reminded the subcommittee that although the NEJAC is offering advice to EPA about the issue, it must recognize that local governments also would see the final report.

Ms. Eady stated that as the project evolved, there had been conversations about creating focus groups composed of representatives of communities and government agencies. She asked how the working group had developed its proposed approach to the study, which does not use focus groups. Mr. Kitwana responded that one factor in changing the methodology of the study is that a whole body of research about gentrification exists that is not related to environmental or Brownfields issues. He stated that the subcommittee must remember its goal to provide recommendations about environmental justice; focus groups could raise many other unrelated subjects, he said. Mr. Lythcott added that cost also was a factor considered when developing the current methodology. He stated that the working group would like to "piggyback" onto other projects being conducted by other agencies, an approach that could be difficult if focus groups were used. He also stated that there had to be a balance between numbers (facts and figures) and the voice of the people (narrative), and the working group felt that it could better achieve this balance by using a case study approach. Ms. Simon added that the emphasis at the community level on qualitative data rather than quantitative data is part of the proposed methodology and that the group would rather spend the available resources obtaining the communities' point of view rather than the perspectives of focus groups.

At the conclusion of the discussion, the subcommittee agreed that the working group should move forward to the next level of research on all the proposed place-based sites.

3.4 Developing Recommendations for the Six OSWER Priorities

Ms. Eady referred the subcommittee members to the handout that outlined the six OSWER priorities. She noted that the priorities are good mechanisms through which to communicate with OSWER about the subcommittee's goals. She stated that the face-to-face meeting conducted in the past year had been a good forum for increasing communication between OSWER and the NEJAC. Ms. Eady reminded the subcommittee that during that meeting, several subcommittee members had agreed to contact OSWER staff about the priorities. Ms. Eady then indicated that she had written a letter to Ms. Horinko informing her about the subcommittee's intent to contact OSWER staff about the six priorities. Mr. Benjamin noted that the subcommittee had been provided a list of points of contact within OSWER and who on the subcommittee is responsible for

contacting each. Ms. Donna Gross McDaniel, Laborers-AGC Education and Training Fund and member of the subcommittee, stated that Mr. Green should be added as a point of contact for workforce development.

Dr. McClain asked whether the language in the handout and the language on the OSWER web site are different, as the web site appears to include more information about the priorities. She suggested that the subcommittee use the information on the web site.

Ms. Eady again encouraged the subcommittee members to examine the pollution prevention report. She noted that the subcommittee had accomplished the two goals set forth since the face-to-face meeting: (1) find information for points of contact and (2) gather data. She then asked the subcommittee about the next step. Ms. Gross McDaniel stated that she thinks the next step is to obtain the "buy-in" of the OSWER points of contact about the NEJAC's response to the priorities and that their efforts should be focused to move forward. Ms. Michelle B. Alvarez, Staff Attorney, Natural Resources Defense Council and member of the subcommittee asked whether resources are available for technical support for reports, such as the pollution prevention report. Mr. Benjamin noted that technical personnel could participate in the telephone calls but that their participation would be informal. Mr. Lythcott noted that communication between the environmental justice community and OSWER is the cornerstone for developing new ideas. Ms. Feiber agreed with Mr. Lythcott and stated that this was the original intent behind reviewing OSWER's six priorities. She added that communication is necessary to expose subcommittee members to the OSWER organization and to bring information back to the subcommittee.

Ms. Eady then reviewed the action items of the discussion:

- ✓ The following subcommittee members who are responsible for communicating with OSWER about its six priorities would contact their counterparts in OSWER before the subcommittee conference call scheduled for February 2003:
 - Ms. Judith M. Espinosa, Director of the ATR Institute, University of New Mexico, would coordinate for the revitalization priority
 - Mr. Randall Gee, Environmental Scientist, Cherokee Nation Office of Environmental Service, would coordinate for the homeland

security priority.

4.0 PRESENTATIONS AND REPORTS

This section summarizes the presentations made and reports submitted to the Waste and Facility Siting Subcommittee, including pollution prevention projects related to worker training and homeland security, OSWER waste minimization programs, OSWER electronic permitting, and lessons learned from the EPA Region 6 listening session on environmental justice.

4.1 Pollution Prevention Projects Related to Worker Training and Homeland Security

Ms. Sharon Beard, National Institute for Environmental Health Sciences (NIEHS), and Mr. Brian Christopher, Alice Hamilton Occupational Health Center, provided a general overview of their organizations' missions and programs. Specifically, Ms. Beard and Mr. Christopher indicated that their organizations can provide training to local governments and communities about such topics as weapons of mass destruction, emergency response, and pollution prevention. Ms. Beard stated that they had conducted such training at various locations throughout the United States. Mr. Christopher added that they also had conducted various other types of training related to worker safety and homeland security that had been developed after the September 11, 2001 terrorist attacks and later anthrax incidents. He also noted that 60 percent of their training courses are conducted in Spanish to accommodate Spanish-speaking communities.

Dr. McClain asked how federal facilities, such as DOE facilities that routinely deal with homeland security and counter terrorism issues, could help train the communities surrounding them. She cited as an example the DOE Savannah River facility and the surrounding communities, as it had been determined that communities on both sides of the river required training about such issues. Ms. Beard stated that they are working with various groups to identify needed training and that grant recipients are allowed to use their funds to obtain training in the appropriate subject areas. She also stated that their organizations also are creating more train-the-trainer programs to help communities establish their own training programs.

Mr. Gee asked whether tribal organizations are included in the current training efforts. Ms. Beard responded that no tribal organizations currently are involved in the training initiatives. However, she

stated, several organizations are working with local tribes to identify funding to begin training initiatives in 2003.

Ms. Fields asked about the communication process between the agencies cleaning up the Brentwood Post Office in Washington, D.C. at which a letter laced with anthrax had been found and the surrounding community. Mr. Christopher stated that multiple agencies at all levels of government are involved in communicating with the community at that site. He stated that the Washington, D.C. Department of Health is responsible for communication with the community, which is particularly important because dioxin gas now is being pumped into the facility using a new process. He stated that the D.C. Department of Health has undertaken community meetings to provide information to the community. He noted that although the meetings were conducted well the technical material presented could have been simplified.

Mr. Lythcott asked whether the trainees usually are beginning a career in homeland security or counter terrorism or are receiving the training for short-term use. He also asked whether mechanisms exist for nontechnical people to become 40-hour certified under the regulations of the Occupational Safety and Health Administration (OSHA). Ms. Beard stated that anyone can receive the OSHA training and if Mr. Lythcott is interested, he should contact the grant recipients. She also stated that although trainees who usually attend the courses come from a variety of backgrounds, the training provides the basic skills and is introductory in nature. She added that if trainees are interested in new careers, this training could serve as the initial training in an apprenticeship leading to more advanced training in the future.

4.2 OSWER Waste Minimization Programs

Ms. Janette Petersen, Acting Associate Division Director, Hazardous Waste Minimization and Management Division, EPA OSWER, presented an overview of the EPA's Resource Conservation Challenge (RCC) and environmental justice. She stated that the RCC is a program designed to encourage greater recycling, more waste reduction, and better recovery of energy from waste. She indicated that the program reflects the original intent of the Resource Conservation and Recovery Act (RCRA), which was to create better systems of waste management as well as to recover valuable materials and energy from wastes. Ms. Petersen stated that the program has two distinct goals related

to Government Performance and Results Act (GPRA) requirements:

- ✓ Increase the national recycling rate to 35 percent by 2005
- ✓ Cut the presence of 30 priority chemicals in hazardous waste by 50 percent by 2005

Ms. Petersen indicated that the program uses the Toxic Release Inventory (TRI) and data from biannual reporting to measure progress toward achieving those goals.

Ms. Petersen also described in general several environmental justice-oriented projects, including helping tribes reduce waste and protect the environment, implementing outreach programs in Hispanic communities, and reaching out to educate urban African-American consumers. She described the National Waste Minimization Partnership, which is the driving force behind those projects. Lastly, Ms. Petersen stated that the charter members of the partnership want to know whether environmental justice waste minimization partnerships are a good idea and whether the NEJAC can help with these efforts.

Dr. McClain asked how the RCC addresses the commitment of business to voluntary programs, given that many companies do not "live up" to promises made during conferences such as the World Summit on Sustainability Development, convened in Johannesburg, South Africa on August 26 through September 4, 2002. Ms. Petersen responded that there are programs in EPA that have been successful, such as EPA's 33/50 Program, which targeted 17, and that some "beyond - compliance" initiatives have achieved substantial results. Dr. McClain then asked whether communities also agree that such programs are successful. Ms. Petersen indicated that she did not know. Mr. Collin stated that under the 33/50 Program, retail stores were successful because they had face-to-face interaction with customers, whereas wholesalers were not successful because they did not have such interaction with their customers. See Exhibit 8-2 for additional information about EPA's 33/50 Program. Mr. Collin then asked whether generators of low-level waste can join such partnerships and whether cumulative impacts are examined in the projects. Ms. Petersen replied that anyone can join the partnerships. She also indicated that cumulative impacts had not been examined thus far. Mr. Kitwana asked whether household waste also is examined in such programs, and Ms. Petersen stated that it is.

Ms. Petersen asked the subcommittee whether it was interested in participating in joint projects. The subcommittee members agreed that they were interested in pursuing such projects, as such projects are both beneficial and good opportunities to partner with OSWER. Ms. Petersen indicated that she would create a plan of action to work with the subcommittee and discuss it through conference calls. Dr. McClain indicated that she was interested in participating in such conference calls and would represent the subcommittee if necessary.

4.3 Electronic Permitting

Mr. Vernon Myers, EPA OSWER, presented information about EPA's new electronic permitting (E-Permitting) project. He stated that the purpose of his presentation was to provide information to the subcommittee and to open a dialogue about possible projects of interest to the subcommittee and the NEJAC. Mr. Myers explained that E-Permitting is a process by which permitting activities are automated, including providing guidance, preparing applications, issuing permits, and compliance reporting, in a paperless, electronic manner. He explained that the benefits of E-Permitting include a reduction in paperwork, an improvement of permitting efficiency, better tracking of the status of permits, an

improvement of compliance reporting, more accurate data, more efficient collection of permit fees, and a more transparent permitting process. He stressed that for the E-Permitting project to be successful, it must reach communities, various stakeholder groups, and environmental groups.

Mr. Myers stated that E-Permitting is feasible but requires a significant investment of resources; therefore, EPA is developing the system piece by piece in conjunction with the states. He explained that EPA does not expect to build a national E-Permitting system; rather, EPA would assist states in integrating RCRA E-Permitting into the state's electronic systems. He explained that EPA currently is assessing state RCRA E-Permitting needs, developing model permits and applications, studying additional data needs, and developing electronic forms. He stated that EPA had visited New York, Mississippi, and Texas to gather information about their E-Permitting systems and to determine the potential interest in partnering to assist with a RCRA E-Permitting module. Finally, Mr. Myers explained that stakeholder involvement is needed to help shape the direction of RCRA E-Permitting and that OSWER would continue to work with states, EPA regions, environmental groups, industry, and community groups to gather data and solicit input about the process.

Exhibit 8-2

EPA 33/50 PROGRAM

The U.S. Environmental Protection Agency's (EPA) 33/50 Program targeted 17 priority chemicals and set as its goal a 33% reduction in releases and transfers of these chemicals by 1992 and a 50% reduction by 1995, measured against a 1988 baseline. The first of EPA's growing series of voluntary programs, its primary purpose was to demonstrate whether voluntary partnerships could augment the Agency's traditional command-and-control approach by bringing about targeted reductions more quickly than would regulations alone.

The program also sought to foster a pollution prevention ethic, encouraging companies to consider and apply pollution prevention approaches to reducing their environmental releases rather than traditional end-of-the-pipe methods for treating and disposing of chemicals in waste.

Since the program ended in 1995, businesses can no longer commit to participation in the 33/50 program.

Mr. Lythcott then stated that the perspective of communities is that permitting is a high-level function and that communities can gain leverage over industry through hearings for new permits or applications for permit renewal. He stated that communities rely on the existing process to ensure their active participation in that process. He explained that communities and permitting administrators have different perspectives; for example, he explained, there is a "digital divide" because not all communities are online and have access to electronic systems. Citizen involvement is critical to good policy, but it takes time, he concluded. Mr. Myers responded that the permitting process can be automated in such a way as to notify the communities about pending actions. He stated that the goal is to make the permit application process more transparent and less cumbersome for communities. Mr. Lythcott added that state regulators often deal with communities, and those communities often rely on the existing EPA permitting process to help balance their concerns with those of state regulators.

Ms. Fields asked what evidence would be made available to communities through E-Permitting. Mr.

Myers replied that EPA currently is exploring options and that this is one issue about which OSWER is soliciting input from groups, such as the NEJAC.

Dr. McClain stated that to gain the real support of the communities, such communities need to be involved throughout the permitting process. She added that the United States is divided into rural and urban areas and that sometimes communities in rural areas do not even have access to telephones, much less computers. She recommended that states build technology centers to increase interaction with the communities. She asked how states currently share information about the permitting process with communities. Mr. Myers indicated that those issues are being examined and that OSWER is finding that each state is dealing differently with its communities. He stated that OSWER had begun to work with the states and communities to address those issues and offered to share additional information about those issues in the coming months. Ms. Sonya Sasoville, Chief, Permits Branch, EPA OSWER, added that OSWER views the Internet as a good medium through which to disseminate information but wants to give communities access both through the internet and through sensible parallel processes.

Ms. Alvarez noted that the E-Permitting project should include electronic access to other information such as logs, notices of violation, settlement agreements, fines, fine history, mitigation measures for violations, and accident reports. Mr. Myers indicated that OSWER currently is working with EPA's Enforcement Branch to provide access to this information by coordinating information with identical EPA facility identification numbers. He added that EPA would develop training about this information, as many stakeholders are not familiar with all the documentation.

Ms. Espinosa noted that E-permitting would build trust with the communities and that she welcomes such a system as a positive addition to the permitting process. She added that such a system would need to be user-friendly and searchable by using simple words. Ms. Espinosa then asked whether the permit application themselves would be on line, whether the public would be able to track applications through the permitting process, and whether public hearing information would be included in the system. Mr. Myers stated that there are proposed systems that update information daily; if such a system is properly implemented, he explained, it should make all the information available in real time, allowing the public to track applications through the process. He added that OSWER is looking for these types of questions

to gain a better perspective about what stakeholders would like to see built into the system.

Regarding communication with communities, Mr. Harris noted that communities should be aware that the permitting regulations, requirements, and process had not changed and that the documents are available in hard copy format upon request if Internet access is not available. Mr. Myers agreed that this is a very important message to send to stakeholders and stated that EPA would work with communities throughout implementation of the system to ensure that the stakeholders understand this point. Mr. Benjamin indicated that he would remain in contact with Mr. Myers regarding the subject of E-Permitting and that he would keep the subcommittee informed of future progress.

4.4 EPA Region 6 Environmental Justice Listening Sessions

Ms. Sunita Singhvi, EPA Region 6, presented information about EPA Region 6 environmental justice listening sessions. She explained that the listening sessions were interactive, solution-oriented dialogues conducted with community representatives and in partnership with state, tribal, federal, local, and municipal government representatives and industry. She explained that the first such listening session had occurred in November 2002 in Houston, Texas. She stated that the region took three months to plan this session to get the appropriate stakeholders involved early in the process. She reported that the session was very positive. She explained that the region partnered with the Southwest Network for Environmental and Economic Justice, Exxon Mobil Corporation, and several other representatives of industry, as well as academic partners and representatives of other federal and state government agencies. She stated that coordination with these groups was the key to the successful session. She also explained that several other activities contributed to the success of the session, including:

- Conducting weekly conference calls
- Soliciting input about the discussion topics from the stakeholders
- Narrowing the topics to an established agenda
- Recording the session using notetakers or a court reporter
- Using a public comment period
- Conducting a "meet and greet" before the session to allow stakeholders to meet one another

Mr. Gee noted that he knows of several communities in Oklahoma that would be interested in such sessions. Ms. Singhvi stated that she would be happy to come to Oklahoma and speak about the approach used to conduct such sessions.

Ms. Espinosa asked whether the information recorded during the November 2002 listening session would be available through the EPA Region 6 web site. Ms. Singhvi indicated that the information would become available but that she was unsure of the timeframe. She added that a document outlining the region's lessons learned also would be made available.

Mr. Lythcott noted that environmental justice meetings sometimes do not run smoothly, as participants' expectations do vary greatly. He asked how EPA Region 6 had managed that issue. Ms. Singhvi replied that trust was the most important factor, adding that involving the community early in the process and living up to promises made had contributed to the success of the session. Ms. Singhvi concluded by stating that this session had been successful but that success is a journey, and such sessions would continue to improve over time. Ms. Eady indicated that the subcommittee would like future updates about the listening sessions.

5.0 SIGNIFICANT ACTION ITEMS

This section summarizes the significant action items adopted by the Waste and Facility Siting Subcommittee.

- ✓ Ms. Horinko and Mr. Benjamin will continue to work together to increase the coordination between the NEJAC and OSWER with a specific focus on OSWER's six priorities. Additionally, they will work on such specific issues as standardization of the definition of an environmental community, local hiring practices and policy under the workforce development program, final approval of the dioxin report (in conjunction with the pesticides program), and the possibility of adding the words "environmental justice" to the OSWER priorities.
- ✓ The subcommittee members responsible for communicating with OSWER about OSWER's six priorities will contact their counterparts in OSWER before the subcommittee conference call scheduled for February 2003. Ms. Espinosa will coordinate for the revitalization priority, and Mr. Gee will coordinate for the homeland security priority.

- ✓ The Unintended Impacts Working Group will move forward to the next level of research on all proposed case study sites.
- ✓ The members of the subcommittee will continue to coordinate with the pollution prevention, waste minimization, and E-Permitting programs conducted by OSWER.